

REMARKS

Claim Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 2, 10, 21, and 28 as indefinite because the phrase “approximately” was said to make it unclear whether the limitation(s) following the phrase were part of the claimed invention.

The Office Action similarly rejected claims 7, 9, 16, 26-27, and 34 as indefinite because the phrase “about” was said to make it unclear whether the limitation(s) following the phrase were part of the claimed invention.

Although Applicant disagrees that these claims are indefinite, these claims have all been amended (or canceled) to remove the quoted language in order to expedite allowance of the claims.

Rejection of Claims 1-35 in View of Prior Art

The Office Action rejected pending claims 1-4, 8, 11-13, 17-19, 21-23, 29-31 and 35 under 35 U.S.C. 102(e) as being anticipated by SanGiovanni U.S. Patent No. 6,850,784 (“SanGiovanni”). In addition, claims 5, 7, 9, 14, 16, 24, 26, 32, and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over SanGiovanni and Zatloukal U.S. Patent Publication 2003/0073462 (“Zatloukal”), and claims 6, 10, 15, 25, 28, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over SanGiovanni in view of Zatloukal and further in view of Ozaki U.S. Patent Publication 2003/0073462 (“Ozaki”), claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over SanGiovanni in view of Aagaard U.S. Patent No. 6,839,576 (“Aagaard”), and claim 27 was rejected

under 35 U.S.C. §103(a) as being unpatentable over SanGiovanni in view of Aagaard, and further in view of Zatloukal.

The Rejection of Claim 1

Claim 1 is directed to a portable phone having a housing having a top portion and a bottom portion, a keypad positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the keypad on the top portion of the housing, a navigational key positioned on the housing between the display screen and the keypad; wherein the display screen is rotatable from the first position to a second position where the display screen is positioned generally to the side of the keypad and navigational key, and the keypad is axially extendable from the navigational key from a first position to a second position. The underlined portion of claim has been added by amendment. Claim 1 was rejected under 35 U.S.C. 102(b) as anticipated by SanGiovanni. Applicant submits that the rejection of claim 1 should be withdrawn, as SanGiovanni fails to disclose a keypad that is axially extendable from a navigational key from a first position to a second position as required by claim 1 and as shown in Figure 4 of the present application. SanGiovanni shows a display that pivots with respect to the keypad, but clearly does not show a keypad that is axially extendable from a navigational key. Accordingly the rejection of claim 1 should be withdrawn.

The Rejection of Claims 2, 4, 5, 7, and 8

Claims 2, 4, 5, 7, and 8 now depend from claim 1 and are allowable for the same reasons set forth above with respect to claim 1.

The Rejection of Claims 6

Claim 6 now depends from claim 1 and the rejection of claim 6 should be withdrawn for the same reasons set forth above with respect to claim 1. Claim 6 further requires a slideway that is adapted for cooperation with a slide positioned on a bottom surface of the keypad to facilitate extension of the keypad. This is shown in Figure 4 of the present application. Claim 6 was rejected as obvious in view of SanGiovanni in view of Zatloukal and further in view of Ozaki. As an initial matter, neither Zatloukal nor SanGiovanni show a keypad that is axially extendable from a navigational key as required by claim 1. They simply do not show a keypad that may be axially extended from a navigational key as required by claim 1. Further, the office action admits that neither Zatloukal nor SanGiovanni disclose a phone that includes a slideway adapted for cooperation with a slide positioned on a bottom surface of the keypad. Recognizing this deficiency the Office Action turns to Ozaki. Applicant submits that Ozaki also fails to show a slide/slideway required by claim 6 that allows for the axial extension of a keypad from a navigational key. Ozaki simply fails to show that the keypad and navigational key can be extended from one another in an axial direction as required by claim 1, and fails to show a slide/slideway for use in axially extending the keypad from the navigational key as required by claim 6. Accordingly, the rejection of claim 6 should be withdrawn.

The Rejection of Independent Claim 9

Independent claim 9 is directed to a portable phone having a housing having a top portion and a bottom portion, a keypad positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the keypad on the top portion of the housing, and a navigational key positioned on the housing between the display screen and the keypad; wherein the

display screen and navigational key are both rotatable [about] 180 degrees around a pivot from a first position wherein the navigational key is located between the display screen and the keypad to a second position wherein the display screen is located between the navigational key and the keypad. The amendments to claim 9 are underlined and the deletions are bracketed.

Claim 9 was rejected under 35 U.S.C. 103(a) as obvious over SanGiovanni in view of Zatloukal. Applicant submits that the rejection of claim 9 should be withdrawn, as SanGiovanni and Zatloukal both fail to disclose a display screen and a navigational key that are both rotatable 180 degrees around a pivot from such that in a first position the navigational key is located between the display screen and the keypad and in a second position the display screen is located between the navigational key and the keypad. SanGiovanni certainly fails show the navigational key and the display screen are rotatable around a pivot on the housing such that in a first position the navigational key is located between the keypad and the display screen and in the second position the display screen is located between the navigational key and the keypad. In SanGiovanni, the display is never positioned between the keypad and the navigational key. Zatloukal fails to add to the teaching of SanGiovanni as it fails to show rotating the navigational key and a display screen 180 degrees from each other to “switch places” on the phone housing. See, Specification page 8, lines 1-12. Accordingly the rejection of claim 9 should be withdrawn.

The Rejection of Claim 11

Amended claim 11 depends from claim 9 and the rejection of claim 11 should be withdrawn for the same reasons set forth above with respect to claim 9. Claim 11 further requires that “the keypad is axially extendable from the display screen when the display screen is in the second

position.” The amendment to claim 11 is underlined to show that the keypad must be movable (extendable) in an axial direction from the display, not merely extendable in any direction. The Office Action rejected claim 11 as anticipated by SanGiovanni. However, the rejection of claim 11 should be withdrawn. SanGiovanni fails to disclose a keypad that is axially extendable from a display screen as required by claim 11 and as shown in Figure 4 of the present application. SanGiovanni shows a display that pivots with respect to the keypad, but clearly does not show a keypad that is axially extendable from a display screen in an axial direction. Accordingly the rejection of claim 11 should be withdrawn.

Rejection of claims 12 and 14

Amended claim 12 depends from claim 11 and claim 9, and the rejection of claim 12 should be withdrawn for the same reasons set forth above with respect to claim 11 and claim 9. Claim 12 further requires that “the navigational key is also axially extendable from the display screen when the display screen is in the second position.” The amendment to claim 12 is underlined to show that the navigational key must also be axially extendable from the display screen, not merely extendable in any direction. Claim 14 depends from claim 9, and the rejection of claim 14 should be withdrawn for the same reasons set forth above with respect to claim 9. Claim 4 similarly requires that “the keypad and navigational key are both axially extendable from the display screen” The Office Action rejected claim 12 as anticipated claim as anticipated by SanGiovanni, and rejected claim 14 as obvious over SanGiovanni in view of Zatloukal. However, the rejection of claims 12 and 14 should be withdrawn. SanGiovanni fails to disclose a navigational key that is axially extendable from a display screen as required by claim 12 and as shown in Figure 4 of the present application.

SanGiovanni shows a display that pivots with respect to the keypad, but clearly does not show a navigational key that is axially extendable from a display screen in an axial direction. Zatloukal similarly fails to show any extendable display screen, navigational key or keypad and therefore adds nothing to the teaching of SanGiovanni. Accordingly the rejection of claims 12 and 14 should be withdrawn.

Rejection of claim 13

Amended claim 13 depends from claim 9 and the rejection of claim 13 should be withdrawn for the same reasons set forth above with respect to claim 9. Claim 13 further requires that “the navigational key is also axially extendable from the display screen when the display screen is in the second position.” The amendment to claim 13 is underlined to show that the navigational key must also be axially extendable from the display screen, not merely extendable in any direction. The Office Action rejected claim 13 as anticipated by SanGiovanni. However, the rejection of claim 13 should be withdrawn. SanGiovanni fails to disclose a navigational key that is axially extendable from a display screen as required by claim 13 and as shown in Figure 4 of the present application. SanGiovanni shows a display that pivots with respect to the keypad, but clearly does not show a navigational key that is axially extendable from a display screen in an axial direction. Accordingly the rejection of claim 13 should be withdrawn.

Rejection of Claim 15

Claim 15 depends from claims 9 and 11, and should be allowed for the same reasons discussed above with respect to claims 9 and 11. In addition, claim 15 further requires the housing to include a slideway adapted for cooperation with a slide positioned on the bottom surface of the

keypad. As set forth above in the discussion of claim 6, none of the references used in rejecting claim 15, including SanGiovanni, Zatloukal, or Ozaki show this slide/slideway feature and the rejection of claim 15 should be withdrawn.

Rejection of Claim 16

Claim 16 depends from claim 9, and should be allowed for the same reasons set forth above with respect to claim 9.

Rejection of Claim 17

Claim 17 depends from claim 9, and should be allowed for the same reasons set forth above with respect to claim 9. In addition, claim 17 further requires means for axially extending the keypad from the housing. Claim 17 was rejected as anticipated by SanGiovanni. However, SanGiovanni does not show a keypad that is axially extendable from the housing, and the rejection of claim 17 should accordingly be withdrawn.

Rejection of Claims 18 and 19

Claim 18 depends from claim 17 and claim 9, and should be allowed for the same reasons set forth above with respect to claim 17 and claim 9. In addition, claim 18 further requires means for axially extending the navigational key from the display screen. Claim 19 depends from claim 9 and should be allowed for the same reasons set forth above with respect to claim 9. Like claim 18, claim 19 requires means for axially extending the navigational key from the display screen. Claims 18 and 19 were rejected as anticipated by SanGiovanni. However, SanGiovanni does not show a

navigational key axially extendable from the display screen, and the rejection of claims 18 and 19 should accordingly be withdrawn.

Rejection of Claim 20

Amended independent claim 20 is directed to a portable phone having a housing having a top portion and a bottom portion, a navigational key positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the navigational key on the top portion of the housing, and a keypad positioned on the housing between the display screen and the navigational key; wherein the display screen is rotatable from the first position to a second position where the display screen is positioned generally to the side of the keypad and navigational key, and wherein the navigational key is axially extendable from the keypad when the display screen is in the second position. The underlined portion of claim 20 has been added by amendment. Claim 20 was rejected under 35 U.S.C. 103(a) as obvious over SanGiovanni in view of Aagaard. Applicant submits that the rejection of claim 20 should be withdrawn. Neither SanGiovanni nor Aagaard disclose a navigational key that is axially extendable from a keypad when the display is in a second rotated position. While the cited art shows a display that pivots with respect to the keypad, it clearly does not show a navigational key that is axially extendable from a keypad. Accordingly the rejection of claim 20 should be withdrawn.

Rejection of Claims 21, 23, 24, and 26

Claims 21, 23, 24, and 26 now depend from claim 20 and are allowable for the same reasons set forth above with respect to claim 20.

Rejection of Claim 25

Claim 25 depends from claim 20, and should be allowed for the same reasons discussed above with respect to claim 20. In addition, claim 25 further requires the housing to include a slideway adapted for cooperation with a slide positioned on the bottom surface of the keypad. As set forth above in the discussion of claim 6, none of the references used in rejecting claim 25, including SanGiovanni, Zatloukal, or Ozaki show this slide/slideway feature and the rejection of claim 25 should be withdrawn.

Rejection of Claim 27

Amended independent claim 27 is directed to a portable phone having a housing having a top portion and a bottom portion, a navigational key positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the navigational key on the top portion of the housing, and a keypad positioned on the housing between the display screen and the navigational key; wherein the display screen and keypad are both rotatable [about] 180 degrees around a pivot from a first position wherein the keypad is located between the display screen and the navigational key to a second position wherein the display screen is located between the navigational key and the keypad. The underlined language shows amendment made to the claim and the brackets show the deletions.

Claim 27 was rejected under 35 U.S.C. 103(a) as obvious over SanGiovanni in view of Aagaard and further in view of Zatloukal. Applicant submits that the rejection of claim 27 should be withdrawn, as SanGiovanni, Aagaard, and Zatloukal all fail to disclose a display screen and a keypad that are both rotatable 180 degrees around a pivot such that in a first position the keypad is located

between the display screen and the navigational key and in a second position the display screen is located between the navigational key and the keypad. SanGiovanni certainly fails to show the keypad and the display screen are rotatable 180 degrees around a pivot on the housing such that in a first position the keypad is located between the navigational key and the display screen and in the second position the display screen is located between the navigational key and the keypad. In SanGiovanni, the display is never positioned between the keypad and the navigational key. Zatloukal fails to add to the teaching of SanGiovanni as it fails to show rotating the keypad and a display screen 180 degrees from each other to “switch places” on the phone housing. See, Specification page 8, lines 1-12. Further, Ozaki shows the rotation of the display screen, but not the rotation of the display screen and the keypad with respect to housing such that they can “switch places” on the phone housing. Accordingly the rejection of claim 27 should be withdrawn.

The Rejection of Claim 29

Amended claim 29 depends from claim 27 and the rejection of claim 29 should be withdrawn for the same reasons set forth above with respect to claim 27. Claim 29 further requires that “the navigational key is axially extendable from the display screen when the display screen is in the second position.” The amendment to claim 29 is underlined to show that the navigational key must be movable (extendable) in an axial direction from the display, not merely extendable in any direction. The Office Action rejected claim 29 as anticipated by SanGiovanni. However, the rejection of claim 29 should be withdrawn. SanGiovanni fails to disclose a navigational key that is axially extendable from a display screen as required by claim 27 and as shown in Figure 4 of the present application. SanGiovanni shows a display that pivots with respect to the keypad, but clearly

does not show a navigational key that is axially extendable from a display screen in an axial direction. Accordingly the rejection of claim 29 should be withdrawn.

Rejection of claims 30 and 32

Amended claim 30 depends from claim 29 and claim 27 and the rejection of claim 30 should be withdrawn for the same reasons set forth above with respect to claim 29 and claim 27. Claim 30 further requires that “the keypad is also axially extendable from the display screen when the display screen is in the second position.” The amendment to claim 30 is underlined to show that the keypad must be axially extendable from the display screen, not merely extendable in any direction. Claim 32 depends from claim 27, and the rejection of claim 32 should be withdrawn for the same reasons set forth above with respect to claim 27. Claim 32 similarly requires that “the keypad and navigational key are both axially extendable from the display screen” The Office Action rejected claim 30 as anticipated by SanGiovanni, and rejected claim 32 as obvious over SanGiovanni in view of Zatloukal. However, the rejection of claims 30 and 32 should be withdrawn. SanGiovanni fails to disclose a keypad that is axially extendable from a display screen as required by claim 30 and as shown in Figure 4 of the present application. SanGiovanni shows a display that pivots with respect to the keypad, but clearly does not show a keypad that is axially extendable from a display screen in an axial direction. Zatloukal similarly fails to show any extendable display screen, navigational key or keypad and therefore adds nothing to the teaching of SanGiovanni. Accordingly the rejection of claims 30 and 32 should be withdrawn.

Rejection of claim 31

Amended claim 31 depends from claim 27 and the rejection of claim 31 should be withdrawn

for the same reasons set forth above with respect to claim 27. Claim 31 further requires that “the keypad is axially extendable from the display screen when the display screen is in the second position.” The amendment to claim 31 is underlined to show that the keypad must be axially extendable from the display screen, not merely extendable in any direction. The Office Action rejected claim 31 as anticipated by SanGiovanni. However, the rejection of claim 31 should be withdrawn. SanGiovanni fails to disclose a keypad that is axially extendable from a display screen as required by claim 31 and as shown in Figure 4 of the present application. SanGiovanni shows a display that pivots with respect to the keypad, but clearly does not show a keypad that is axially extendable from a display screen in an axial direction. Accordingly the rejection of claim 31 should be withdrawn.

Rejection of Claim 33

Claim 33 depends from claims 29 and 27, and should be allowed for the same reasons discussed above with respect to claims 29 and 27. In addition, claim 33 further requires the housing to include a slideway adapted for cooperation with a slide positioned on the bottom surface of the keypad. As set forth above in the discussion of claim 6, none of the references used in rejecting claim 33, including SanGiovanni, Zatloukal, or Ozaki show this slide/slideway feature and the rejection of claim 33 should be withdrawn.

Rejection of Claim 34

Claim 34 depends from claim 27, and should be allowed for the same reasons set forth above with respect to claim 27.

Rejection of Claim 35

Claim 35 depends from claim 27, and should be allowed for the same reasons set forth above with respect to claim 27. In addition, claim 35 further requires means for axially extending the navigational key from the housing. Claim 35 was rejected as anticipated by SanGiovanni. However, SanGiovanni does not show a navigational key that is axially extendable from the housing, and the rejection of claim 35 should accordingly be withdrawn.

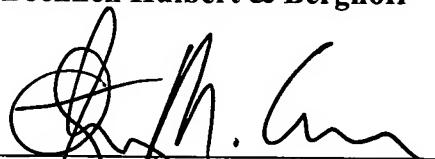
In view of the foregoing, Applicant has canceled claims 3, 10, 22, and 28. Applicant respectfully requests that all of the rejections of the pending claims 1, 2, 4-9, 11-21, 23-27, and 29-25 by the prior art be withdrawn.

If for any reason, the application is not considered to be in condition for allowance on the next Office Action and an interview would be helpful to resolve any remaining issues, the Examiner is requested to contact the undersigned attorney at (312) 913-2131.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Dated: October 21, 2005

By:


Christopher M. Cavan
Reg. No. 36,475